

### REMARKS

The Examiner has withdrawn his rejection of the pending claims over the combination of Lapeyre and Furuhashi. Claims 1-5, 7-14, 58-61 and 67 are now rejected under 35 U.S.C. 103(a) as being obvious over Lapeyre in view of Hillmering, US 6,559,778 (Hillmering) and Maynard et al., US 5,557,299 (Maynard). Applicants respectfully submit that the latter suggested combination of references is no closer to teaching or suggesting the claimed invention than the former, and requests that the claims now be allowed.

In short, Hillmering and Maynard together suffer the same deficiency as Furuhashi in suggesting Applicants' invention as an improvement over Lapeyre.

Claim 1, from which all pending claims depend, specifically features "providing provisional output to a user ... [and then,] in response to activation of the adjacent key region prior to release of the first activated key region, *providing a final output to the user to the exclusion of the provisional output.*" Thus, the claims feature a combination of two outputs to the user, first a provisional output and then a final output. In other words, the invention as recited in claim 1 features, in the context of a keyboard, a feedback sequence of *two outputs*. Claim 1 has been amended to recite, from original claim 3, that the provisional output comprises *visual* feedback, as opposed to an audio-only feedback, to clarify what is meant by the final output being a replacement of the provisional output.

In short, there is nothing in any of these three cited references that discloses or suggests such a feedback sequence, in a keyboard or otherwise.

The Examiner notes that Hillmering "discloses activating a first activated region (key), and an adjacent region (key) before the release of first activated region within a predetermined time period (col. 1, lines 54-58; col. 2 lines 44-49). In response to the activation of the adjacent region, the keyboard provides a final output to the user."

This, however, is far from disclosing providing the *two response sequence* featured in claim 1 and clearly missing from Lapeyre. Rather, Hillmering provides a good description of identifying a single character in a multi-key setting, but at no time refers to the identification of a provisional output. In other words, there is no discussion of replacing one output with another.

Hillmering says (at column 3, line 3): "If one of the keys adjacent to the depressed key is also found to be depressed within the searching period, *the letter is stored and written-in when the keys are released*. The program ignores depression of another key after completion of the searching period" (emphasis added). There is no indication that Hillmering ever considered, or would ever suggest, the feedback sequence missing from Lapeyre.

Perhaps noting this deficiency, the Examiner goes on to say that "The modified Lapeyre may not explicitly disclose providing an output to the user to indicate a key region has been activated. But it is well known in the art to provide an audio/visual feedback to the user when a key region (key) is activated. Maynard, for example, teaches the audio and visual feedback." So also do Hillmering, Lapeyre and Furuhashi teach feedback. But that misses the point. None of the cited references teaches, suggests or even remotely hints at provisional output **replacement**. To suggest that finding one reference that teaches keypads with key combinations, another that teaches scanning for second key activations, and another that teaches providing feedback to a user not only fails to consider the invention as a whole, but also fails to adequately state a prima facie case of obviousness by failing to even identify each and every claim feature within the prior art.

Having presented already a three-reference combination against claim 1, the Examiner is respectfully reminded that claims are not abject lists of features to be found in a scavenger hunt through the prior art, but that obviousness determinations require evidence of a reasonable motivation to create the claimed invention from the prior art. To support the combination of Hillmering with Lapeyre, the Examiner states only that such a combination "would have been obvious because Hillmering's activation means allows the keyboard to output more data with the same number of key regions." But Lapeyre already employs a key combination algorithm (see even Lapeyre's abstract). To support the combination of Lapeyre+Hillmering with Maynard, the Examiner states only that "it would have been obvious ... to use the well known audio/visual feedback in the keyboard of the modified Lapeyre so that a feedback can be provided to the user when a key region have [sic] been activated." But both Lapeyre and Hillmering already teach key feedback. Thus, the stated "motivations" fail to adequately make a case for obviousness of

the combination, and Applicants' response should not be misconstrued as acquiescence to any of the Examiner's characterizations or conclusions.

That being said, Applicants have amended claim 1 to recite, from original claim 3, that the provisional output comprises visual feedback, as opposed to an audio-only feedback, to clarify what is meant by provisional output and the final output being to the exclusion of the provisional output. Applicants respectfully request reconsideration and withdrawal of this rejection, submitting that claim 1 is allowable over the art of record.

Claim 6 has been rejected under 35 U.S.C. 103(a) as being unpatentable over the three-reference combination applied to claims 1-5, 7-14, 58-61 and 67 above, and further in view of Ahmadian, US 5,914,677 (Ahmadian). Ahmadian is cited only as disclosing "driving two adjacent rows simultaneously and seeking for two simultaneous output columns." But as Ahmadian fails to cure the deficiency of the three-reference combination as applied to base claim 1, claim 6 is submitted as being allowable at least as depending from an allowable base claim.

Applicants' undersigned attorney hereby requests an opportunity for a telephone interview with the Examiner if the above remarks are not found sufficient to distinguish the cited references, or if something in the Examiner's position has not been fully appreciated, with the aim of discussing how best to place the claims in condition for allowance.

Applicant : David H. Levy et al.  
Serial No. : 09/916,928  
Filed : July 27, 2001  
Page : 9 of 9


Attorney's Docket No.: 13159-004001

Enclosed is a \$510 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing the above attorney docket number.

Respectfully submitted,

Date: \_\_\_\_\_

*May 17, 2005*

  
\_\_\_\_\_  
James W. Babineau  
Reg. No. 42,276

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

21030858.doc